



NEW JERSEY DEPARTMENT OF
CHILDREN AND FAMILIES

Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
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Chapter:	D	KLG	Revised Date: 10-4-2021
Subchapter:	2	KLG	
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Purpose:

This issuance establishes policy and procedure related to providing Workers a brief:

- Description of kinship legal guardianship established under the Kinship Legal Guardianship Act; and
- Summary of other provisions which are allowed or required under the Act when CP&P places a child into a kin caregiver's home.

Authority:

- P. L. 110-351, Fostering Connections to Success and Increasing Adoptions Act (FCSIAA) of 2008, Title I, Connecting and Supporting Relative Caregivers, Section 101, Kinship Guardianship Assistance Payments for Children
- Section 471(a)(28), 473(d) and 474(a)(5) of the Social Security Act
- N.J.S.A. 3B:12A-1-6, Kinship Legal Guardianship Act
- N.J.S.A. 30:4C-84-89 et seq.
- N.J.A.C. 10:132A, Legal Guardianship

Policy:

A) What Is Kinship Legal Guardianship:

- 1) Kinship Legal Guardianship (KLG) is a permanent placement considered for a CP&P supervised child:
 - i. When reunification has been ruled out;

- ii. Who has been living with a licensed kin caregiver or unrelated resource family for at least the last six (6) consecutive months or nine (9) of the last 15 months, six (6) of which the home must be licensed.
- 2) Kinship Legal Guardianship must be granted by court order. KLG:
- i. Does not require termination of parental rights.
 - 1. Requires that:
 - a. The placement with the kin caregiver is in the child's best interests.
 - 2. Under the Act:
 - a. The kinship legal guardian is responsible for the care and protection of the child to adulthood, age 18, but no later than 21 (see below), and for providing for the child's health, education and maintenance.
 - b. The parent retains the right to visit, authority to consent to the child's adoption and change of name, and has the obligation to pay support.
 - c. A parent can ask the judge to end KLG (i.e., vacate the KLG order) and return custody of the child by presenting clear and convincing evidence that:
 - i. His or her incapacity no longer exists, and
 - ii KLG is no longer in the child's best interests.
 - d. The KLG caregiver can ask the court to vacate the order.
 - e. KLG ends when:
 - 1. The child turns age 18 or is no longer continuously enrolled in a secondary education program, whichever event occurs later (see [CP&P-IV-D-2-200](#)). KLG must end when the child turns age 21;
 - 2. The child no longer lives with the kinship legal guardian ([CP&P-IV-D-2-200](#) for the exception when the child is placed in a residential treatment facility); or
 - 3. The court terminates the order for other reasons.

B) Other Provisions Under the Act when CP&P Places the Child:

- 1) The Division:

- i. Prepares the KLG petition which is signed by the kin caregiver;
 - ii. Gives notice to the parent(s) or any other party who has court awarded custody or parenting time (i.e., visitation) with the child; and
 - iii. Provides an assessment which includes the kin caregiver's home review; the relationship between the child and the kin caregiver; criminal, domestic violence, and child abuse background checks; and proof that the parent(s) is incapacitated.
 - iv. Note: A Child Abuse Registry Information (CARI) check and a Criminal History Record Information (CHRI) check must be completed on the prospective kinship legal guardian and all adult household members within ninety (90) days prior to the KLG court order being awarded. Fingerprint results from a fingerprint-based criminal record inquiry for the prospective kinship legal guardian and all adult household members must be current, within one year of the date of the KLG court order. Preference is for archiving so the family does not have to take new prints, but if this cannot be accomplished, new prints must be taken. See [CP&P-IV-D-2-300](#), Contents of Kinship Legal Guardianship Assessment, and CP&P [Form 4-5](#), Kinship Legal Guardianship Assessment, and CP&P [Form 4-5a](#), Certification of Completed Background Checks for Kinship Legal Guardianship.
- 2) The court considers the assessment completed by CP&P staff, and must find:
- i. By clear and convincing evidence, that:
 - 1. CP&P exercised reasonable efforts to reunify the child with his or her parents,
 - 2. The reasonable efforts were unsuccessful or unnecessary, and
 - 3. The parent's incapacity is of a serious nature, and is unlikely to change in the foreseeable future;
 - ii. KLG is in the child's best interest.
- C)** The CP&P case is closed after KLG is granted because this is a permanent placement. The case is reopened as a KLG case for the provision of subsidy only, and is not considered a CP&P placement. (If a CP&P subsidy is not being provided, a KLG case is not opened. If the CP&P subsidy ends, the KLG case is closed.)

Key Terms (Definitions):

- "Caregiver" means a person over 18 years of age, other than the child's parent, with whom CP&P has placed a child, who has been, or is in the process of being, licensed as a resource parent to provide care for the child.
- "Concurrent Planning" means working towards reunification of a child with his or her parent(s) or family of origin, while at the same time implementing an alternative permanent plan.
- "Concurrent Planning Placement" means placing a child with a resource family who has expressed a willingness to assist the child's family of origin to achieve reunification, while acknowledging that if reunification is not possible, they are committed to providing a permanent home for the child.
- "Enhanced Review Process" means
 - A comprehensive process that begins prior to placement to assure that all reasonable efforts have been made to prevent the placement of a child; and
 - A series of comprehensive reviews when a child is placed to assure that permanency and concurrent planning are being carried out in a timely and appropriate manner to enable reunification of the child with his or her family, or, if reunification is not possible, permanency through adoption or kinship legal guardianship. Reviews include a pre-placement conference with the family, 30 and 90 day staffing conferences, a 5th month enhanced review, and a 10th month placement review.
- "Kinship Legal Guardian" means a caregiver who is willing to assume care of a child due to parental incapacity, with the intent to raise the child to adulthood, and who is appointed the kinship legal guardian of the child by the court (P.L.2001, c.250 (C.3B:12A-1-et al)).
- "Kinship Legal Guardianship Assessment" means a written report submitted to the court regarding the suitability of a person to be designated kinship legal guardian for a child in accordance with the Kinship Legal Guardianship Act.
- "Relative" means a person, other than the child's parent, who is related to the child through blood, marriage/civil union/domestic partnership, or adoption (including a step-parent).

Related Information:

- [CP&P-IV-A-11-100](#), Making the Resource Placement Decision - Adoption and KLG

- [CP&P-IV-D-2-300](#), Processing the KLG Assessment and Changes to the KLG Court Order
- [CP&P-IV-D-2-200](#), CP&P KLG Subsidy Program

Policy History:

- 8-31-2020
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- 9-8-2009
- 7-14-2008